

UNITED STATES OF AMERICA

0422 2:16CR00112-001

Defendant

Given the fact that Defendant admitted involvement in the offense and expressed remorse for his criminal actions, as well as significant substance abuse issues a punishment below the recommended guideline range would be appropriate. Defendant was in State custody from April 26, 2016 to June 9, 2016; released on bond from June 9, 2016 to August 15, 2016, during which time he attempted an in-patient drug rehabilitation program; was detained in State custody again from August 20, 2016 to September 1, 2016, and; was voluntarily detained in Federal custody

since September 2, 2016. Active punishment below the advisory guideline range would be sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of 18 U.S.C. § 3553(a).

WHEREFORE, Mr. Ingles requests the Court depart from the Federal Sentencing guideline and sentence defendant to an active time of 161 days with credit for time served in Forsyth County North Carolina awaiting trial (56 days) as well as the days Defendant has served awaiting sentencing since September 2, 2016 (105 days). Defendant has undergone intensive inpatient substance abuse treatment prior to being indicted in the Eastern District of Virginia. Defendant also voluntarily went into custody after entering his guilty plea on September 2, 2016. The recommendation of the Government was for him to be released prior to sentencing. Defendant is a youthful offender with no criminal history who has shown extraordinary remorse and acceptance of responsibility for his criminal conduct. He has taken exceptional steps to ensure that he gets his life on track for a successful future. He has a plan for his post release, which includes the attached plan.

Respectfully submitted this the 13th day of December, 2016.

_____/S/
J. Darren Byers
Attorney for the Defendant
State Bar No. 20479

OF COUNSEL:

Law Offices of J. Darren Byers, P.A.
105 West Fourth Street
Suite 400, O'Hanlon Building
Winston Salem, NC 27101
Telephone (336)727-1070
Facsimile (336)727-1085

CERTIFICATE OF SERVICE

I hereby certify that on 13th day of December, 2016 I electronically filed the foregoing POSITION OF THE DEFENDANT WITH RESPECT TO SENTENCING FACTORS with the Clerk of the Court using the CM/ECF system. Hard copies will be served via US Postal Service and/or electronic mail.

Alyssa Nichol
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Respectfully submitted, 13th day of December, 2016.

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7 month Plan for Release

Austin Jordan Ingles

DOB: 10/23/1995

Residence: 140 Garner RD, Winston Salem NC 27105



House is owned by William Travis Hodge (step-father).

Projects and timeline are as follows:

December

- Dig drainage trench across back yard (approx 75') to remedy ground water issues
- Backfill trench with drain pipe, stone, fabric, and topsoil
- Clean debris from crawl space under house
- Install 6 mil plastic sheeting across the entire crawl space of house

January

- Remove all tack strips, staples, and debris from original wood flooring in (2) bedrooms and living room
- Clean original wood flooring in (2) bedrooms and living room
- Paint floors, walls, ceiling and trim in (2) bedrooms and living room
- Install new flooring in (2) bedrooms and living room

February

- Remove toilet, bathtub, and sink from bathroom
- Replace subfloor and install new plumbing in bathroom
- Install new shower, toilet, sink and fixtures

March

- Remove cabinets, sink, and flooring from kitchen
- Replace subfloor and install new plumbing in kitchen
- Install new cabinets, countertop, and sink in kitchen

April

- Cut down (2) large trees in the front yard, and (3) large trees in the back yard
- Cut and stack wood for burning; stack limbs and branches by road for city pickup

May

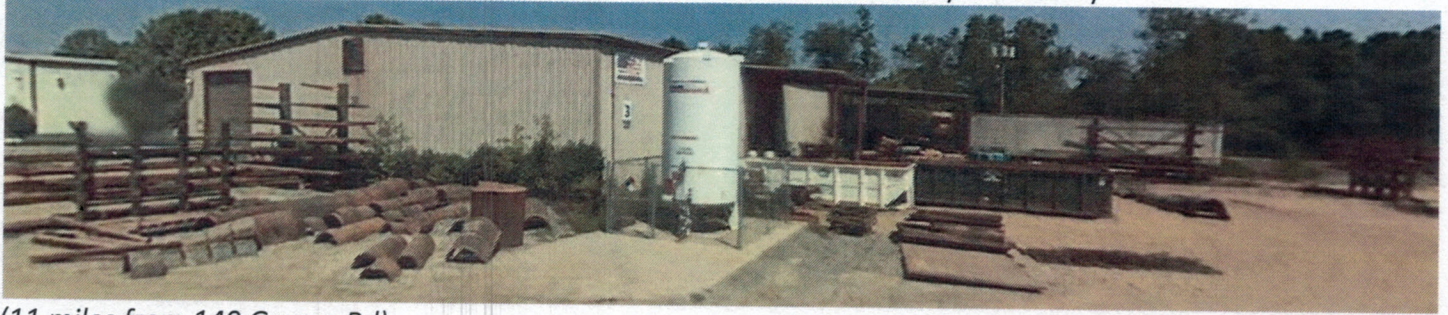
- Remove gutters and shingles from roof
- Sister roof joists and install new ply wood
- Install new felt, shingles, and gutters

June

- Build out dormer to convert the attic into a bonus room
 - Install subflooring, footwalls, and sister joists in attic
 - Install insulation and sheetrock in attic
-

Phone: AT&T Landline at 140 Garner RD (until further notice)
(336) 661-6038 (order #NXF27YF8)

Employment: Interview confirmed with Christian business owner Bradley McMurray



(11 miles from 140 Garner Rd)

Twin City Rebar
144 Charles RD
King, NC 27021
(843) 214-6553

Education: Interview confirmed Forsyth Tech Transportation Technology Center



(0.7 miles from 140 Garner Rd)

Forsyth Tech Transportation Technology Center
4255 Patterson AVE
Winston-Salem, NC 2710
(336) 757-3399

- Collision Repair and Refinishing Technology – Mark Walker (336) 734-7610

Program Offerings

PROGRAM	CREDENTIAL LEVEL	OFFERED	CODE
Collision Repair and Refinishing Technology	Associate in Applied Science	Day	A60130
Collision Repair and Refinishing Technology	Diploma	Evening	D60130
Collision Repair and Refinishing Technology - Motorcycle Engines	Certificate	Day and Evening	C60130ME
Collision Repair and Refinishing Technology - Non-Structural Damage	Certificate	Day and Evening	C60130ND
Collision Repair and Refinishing Technology - Painting and Finishing	Certificate	Day and Evening	C60130PF
Collision Repair and Refinishing Technology - Structural Damage	Certificate	Day and Evening	C60130SD

Mental Health:

Appointments every other week with Adrienne Reich, LPC, LCAS
(effective immediately)

CareNet
Counseling

An affiliate of
Wake Forest Baptist Health



Adrienne Reich, LPC, LCAS

Adrienne Reich joined CareNet Counseling in November 2011. She has her Master of Arts in Community Counseling from UNC-Charlotte. She is a Licensed Professional Counselor (LPC) and a Licensed Clinical Addictions Specialist (LCAS). She has ten years of experience working with individuals, families, and couples. Her areas of interest include marital counseling, substance abuse, eating disorders, depression, parenting, stress management, anxiety, work/life balance, infertility, and postpartum depression.

403 S. Hawthorne
Winston-Salem, NC 27104
(336) 716-0855

Transportation:

2008 Bashan VIP Scooter/Moped (until further notice)
VIN # LHJLC79K58B000464

